

Summary of IDEM Steering Group Meeting WATER QUALITY RULES, TRIENNIAL REVIEW AND RELATED TOPICS

Introduction:

On Wednesday, March 19, 2003, IDEM staff met for the fifth time with a wide cross-section of stakeholders which make up the steering committee to IDEM for the triennial review of the state's water quality standards and related issues. These notes are intended to be a summary of the major points from the meeting held at IDEM's Shadeland offices.

The meeting was called to order by Tim Method. Those in attendance for all or part of the meeting included: Art Umble, Bill Beranek, Bowden Quinn, Chad Frahm, David Pfeifer (teleconference), Diana Toth, Eric Fry, Holly Wirick (teleconference), John Chavez, John Fekete, Madonna McGrath, Natalie Hurt, Pam Fisher, Robin Feller, Teresa Lewis, Tim Lohner and Tom Barnett.

In addition, the following IDEM staff members were present for all or part of the meeting: David Kallander, Dennis Clark, John Elliott, John Nixon, Kiran Verma, Larry Wu, Lonnie Brumfield, Martha Clark, Mary Ellen Gray, Megan Wallace, Paula Smith, Steve Roush and Tonya Galbraith.

Summary:

After introductions, the workgroup members were asked if they had any changes to the 12/10/02 minutes (there were none). The minutes will be posted to the IDEM website.

1. Reports.
 - A. Mercury. Tim Lohner reported that the workgroup was now being facilitated by Paula Smith allowing Steve Roush to focus on technical issues. The workplan was finalized 3/3/03 and the workgroup had collected a significant data and information from other states relating to mercury. The group has received guidance from Marty Risch, USGS, and Dave Pfeifer and Morris Beaton of U.S.EPA. Tim Method asked if at the 4/9/03 meeting a timetable of activities could be set up. John Fekete addressed the matter of air deposition and the board's limited authority under Title 13, by suggesting that the WPCB could acknowledge the problem and pass that concern to the Office of Air Quality through IDEM. It was left for further discussion how to deal with issue(s) for which a workgroup consensus cannot be reached (e.g., whether to recommend a statewide or "stream-lined" mercury variance program to be developed by agency staff). It was suggested that a report could be generated for the board that identified areas where consensus was achieved. The workgroup is evaluating whether a revised first notice is needed.
 - B. Antidegradation/OSRW. Bowden Quinn reported that the workgroup had met six times. There was an accepted workplan in place and the

workgroup had identified issues to be resolved. The last two meetings have included discussion of substantive things. The workgroup was reviewing the EPA's overpromulgation of Kentucky and IDEM's 1999 draft second notice and was making progress. Regarding public participation, first notice was published 3/1/03 with the comment period ending 4/29/03. The workgroup was planning two public meetings before publication of second notice (September/October, 2003). Meeting sites under consideration are Bloomington or Columbus in the south and Plymouth or Valparaiso in the north. In addition, an FAQ and policy paper are being developed. The workgroup was looking to add additional environmental justice issues. Bill Beranek mentioned that at the 4/21/03 meeting the waterbody-by-waterbody/pollutant-by-pollutant basis would be discussed to see if a workable plan could be generated. Colorado was mentioned as a possible model (at least a partial one) for a state that has gone down this path. David Pfeifer asked about participating at the next meeting.

- C. *E. coli*. Chad Frahm reported that weather issues had prevented the group from meeting since 1/5/03. A workplan had been agreed to and the workgroup has progressed through most of the topics. The focus has turned to issues (e.g., should the health standards be higher for waters that have greater use and less strict for those less used). The workgroup has begun considering the Alaska Rule, information supplied by Ron Turco and has identified eight topic areas. The next meeting is 3/28/03.
 - D. Fast Track. Bowden Quinn reported that weather was also causing scheduling problems. The next meeting is 3/25/03. The workgroup started with about four pages of "no-brainers" and is about half way through the list. A focus is to establish criteria for those issues that are obviously fast track, those issues that will need more discussion and those issues in the middle (e.g., acute aquatic criteria). Public participation is not a planned part of the workgroup's discussion since fast track issues are those issues earlier identified as non-controversial. Madonna McGrath asked whether cyanide was an obvious issue. Bill Beranek replied that it was and could serve as the touchstone issue. Bowden added that phenol would be another obvious issue. John Chavez suggested that free cyanide implementation issues would need to be addressed.
2. Suggestions for changes to the workgroups. Tim Method asked the steering committee if the workgroups were on the right track. Bill Beranek said for Fast Track that the "slow track" needs to move along. With a rational process (e.g., getting FAQs out first) in place he thought the workgroup would move forward in an orderly fashion. Tim asked for the next steering committee meeting if those workgroups developing rule language would provide a more specific timetable of their activities.

3. Public Participation.
 - A. An umbrella approach. Tim Method asked if there was value to coordinating the efforts of different workgroups regarding public participation. Bill Beranek suggested where the first meeting was used to provide background information and the second to get into the nitty-gritty, that it would make sense to combine the first meetings, laying out general principles that could be the same for all the workgroups. It was mentioned that a good faith approach would need to be developed to get the word out. Art Umble was concerned how local officials would be brought collectively and consistently into the process.
 - B. Interactions. Bill Beranek mentioned that the Department of Commerce had a history of interacting with the public on difficult issues. Pam Fisher suggested that Wendy Dant-Chesser (director, Regional Operations Division) would be the person to talk to. It was suggested that a small group could develop a plan, an acceptable way of doing things. It was suggested that IACT's participation might be helpful. It was suggested that it could make logistical sense to have one meeting for each group. A concern is that people would need to attend several meetings. It was also pointed out that early in a process, it can be hard to get people to attend meetings.
 - C. Next steps. John Fekete stated that with so many options that we needed an informational session balanced with who will attend and introduce them to the process. Tim Method asked if it would make sense for the department to put together a list of how to meet with different constituencies, the general public and how best to implement the plan. Bill Beranek noted that the TMDL workgroup created a similar list and it could be used as a starting point. Tim said that the department would put that together well in advance of the next steering committee meeting. John suggested that the workgroups coordinate their plans through the steering committee to make sure the correct groups were identified and that the meeting efforts were coordinated with the other workgroups.
4. First Notice Template. John Nixon presented the new first notice template. He noted that it had been adjusted since the publication of the antidegradation first notice of 3/1/03. Bill Beranek commented that it was excellent.
5. The steering committee scheduled its next two meetings: Wednesday, June 25, 2003, from 10:00am to Noon, and Wednesday, September 24, 2003 from 10:00am to Noon. Both meetings will be at the Indiana Department of Environmental Management, 2525 North Shadeland Avenue, Conference Room C, Indianapolis, Indiana.